IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 27704 of 2007(W)

OS.157/2004 of SUB COURT, PAYYANNUR
.....

PETITIONER:

MYLANCHIKKAL ABDUL SALAM,
AGED 49 YEARS, S/O IBRAHIM, MERCHANT,
NEAR ANAYIDUKKAM L.P.SCHOOL,
KANNUR MUNICIPALITY, P.O.THANA, KANNUR.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENT:

M.KHALID, S/O.IBRAHIM, MERCHAN,
EZHOM AMSOM, ERIPURAM, CHENGAL DESOM,
P.O.PAZHAYANGADI, KANNUR.

BY ADV. SRI.P.BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.27704/2007 W

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PLAINT IN O.S.NO.157/2004.**

EXT.P2: **COPY OF THE LETTER DTD. 21/12/2002 SENT BY THE RESPONDENT.**

EXT.P3: **COPY OF THE WRITTEN STATEMENT IN O.S.157/04.**

EXT.P4: **COPY OF THE PETITION AS I.A.NO.775/2007.**

EXT.P5: **COPY OF THE ORDER DTD. 07/09/2007 PASSED BY THE LEARNED SUB JUDGE.**

/TRUE COPY/

P.A.TO JUDGE

KSS

M.N. KRISHNAN, J.

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W.P.C. NO. 27704 OF 2007

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Dated this the 10th day of October, 2007.

J U D G M E N T

This writ petition is filed by the plaintiff in O.S.157/04 against the order refusing to send a document to a hand writing expert. The plaintiff in the suit namely Abdul Salam had requested the Court to send the letter alleged to be written by M. Khalid, defendant in the suit to a hand writing expert for comparison. The Court below dismissed the application holding that the matter is included in the list but did not consider the prayer on merits.

2. I am informed that the suit is still pending. The Court is expected to consider the petition on merits and then decide either way whether it is to be sent or not to be sent. Since the Court below has not considered the matter in the above perspective I set aside the order of the Court below

and direct the Court below to consider I.A.775/07 afresh on merits after hearing both sides and dispose it of in accordance with law.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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